

REMARKS/ARGUMENTS

I. Status of Claims

Applicant received the Office Action dated August 1, 2006, in which the Examiner (1) rejected claims 1-4 and 6-19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0093929 ("Mangold"), (2) rejected claims 1-4, 6-11 and 14-19 under 35 U.S.C. § 103(a) as obvious under U.S. Patent No. 6,876,850 ("Maeshima") in view of U.S. Patent No. 5,659,787 ("Schieltz"), (3) rejected claims 12 and 13 under 35 U.S.C. § 103(a) as obvious under Maeshima and Schieltz in view of Mangold, and (4) concluded that claim 5 contains patentable subject matter. With this Response, Applicant amends claims 1, 7 and 15-17. Based on the amendments and arguments herein, Applicant submits that this case is in condition for allowance.

II. Rejections Under 35 U.S.C. 102(e)

The Examiner rejected claim 1 as anticipated by Mangold. As amended, claim 1 requires the emission of a poll that is recognized by the class 1 device as a "single-device poll" and by the class 2 device as a "multi-device poll." Mangold fails to teach or even suggest this limitation. Instead, Mangold is directed to a technique of "allocating a time slot to support data transmission between the co-located 802.11 a/e and H2 systems in a wireless local area network (WLAN)" (Summary of the Invention). Mangold discloses only one type of poll: a contention-free poll ("CF-Poll"). In a wireless system having an access point, an 802.11 a/e station and an H2 station, the access point is able to elicit data transmissions from the stations by issuing CF-Polls (See paragraph [0038] of Mangold). As explained in [0039] of Mangold, a transmission opportunity (TXOP) is issued to a station by the access point (*i.e.*, CCHC) via a CF-Poll. In turn, the station decides what data to transmit to the access point in response to the CF-Poll. The limitation of claim 1 cited above is not taught or even suggested in Mangold.

Mangold again discusses CF-Polling in the context of Figures 5-7, the content of which is summarized in the method flowchart of Figure 8 (paragraphs [0049]-[0051]). Referring to Figure 8 and paragraphs [0049]-[0051] of Mangold, the method comprises

either the access point (or CCHC) issuing a CF-Poll to itself in order to incorporate an H2 MAC frame into a CCHC superframe (step 140 in Figure 8), or the access point issuing a CF-Poll to grant a transmission opportunity (TXOP) to a station, as previously described. Again, neither here nor elsewhere does Mangold teach or even suggest the claim limitation of a poll being recognized by one class of devices as a single-device poll and by another class of devices as a multi-device poll. At least for this reason, independent claim 1 is patentable over Mangold. Independent claims 7 and 15 comprise limitations similar to those of claim 1, and thus claims 7 and 15 also are patentable over Mangold at least for the same reasons as is claim 1. Moreover, because independent claims 1, 7 and 15 are patentable over Mangold, dependent claims 2-6, 8-14 and 16-19 also are patentable over Mangold at least for the same reasons as their respective independent claims.

III. Rejections Under 35 U.S.C. 103(a)

a. Claims 1-4, 6-11 and 14-19

The Examiner rejected claims 1-4, 6-11 and 14-19 as obvious under Maeshima in view of Schieltz. There are various requirements for establishing a *prima facie* case of obviousness:

First, **there must be some suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, **to modify the reference or to combine reference teachings**. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations**.

MPEP 2143 (emphasis added). The Examiner failed to establish a *prima facie* case of obviousness at least because the combination of Maeshima and Schieltz fails to teach all limitations of claim 1. As amended, claim 1 requires the emission of a poll that is recognized by the class 1 device as a "single-device poll" and by the class 2 device as a "multi-device poll." The combination of Maeshima and Schieltz fails to teach or suggest this limitation. As the Examiner admits in the Office Action of August 1, 2006, Maeshima

fails to teach the emission of polls by a wireless device (p. 6). The Examiner asserted that because Schieltz teaches the emission of a poll, the combination of Maeshima and Schieltz renders claim 1 obvious. However, Applicant points out to the Examiner that although Schieltz discloses various types of polling (e.g., polling different classes of devices with different frequencies, group polling as well as single-device polling), Schieltz fails to disclose the emission of a poll that is recognized by one class of device as a "single-device poll" and by another class of device as a "multi-device poll." Because Schieltz fails to disclose this type of poll, and further because Maeshima fails to disclose WLAN polling altogether (Office Action, p. 6), the combination of Maeshima and Schieltz fails to teach all limitations of claim 1. At least for this reason, claim 1 is patentable over the combination of Maeshima and Schieltz.

In addition, the Examiner further failed to establish a *prima facie* case of obviousness because there is no motivation to combine Maeshima and Schieltz. In the Office Action, the Examiner asserted that Maeshima and Schieltz should be combined "in order to enhance the data communication network with highly efficient polling procedure." Applicant submits that the Examiner's stated motivation to combine the references constitutes nothing more than a broad generalization and thus is insufficient. For example, the Examiner has not explained why Maeshima is in need of a "highly efficient polling procedure," or what purpose such a polling procedure would serve.

Based on any or all of the foregoing, claim 1 is patentable over the art of record. Because independent claim 1 is patentable, independent claims 7 and 15, as well as all dependent claims, also are patentable.

b. Claims 12 and 13

The Examiner rejected claims 12 and 13 as obvious under Maeshima and Schieltz in view of Mangold. Specifically, the Examiner asserts that "as to claim 12 and 13, Maeshima and Schieltz teaches the wireless network of claim 7 wherein each class 1 device comprises a address and the multi-device class poll." The Examiner goes on to

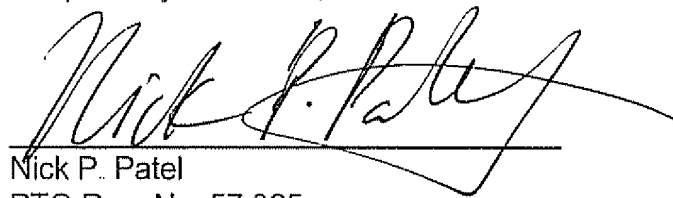
admit that Maeshima and Schieltz do not teach all limitations of claim 12 and/or 13, and that Mangold allegedly satisfies such deficiencies.

Applicant points out that the Examiner's rejection of claims 12 and 13 is flawed at least because the quoted assertion has been refuted in section III(a) above. As explained, the combination of Maeshima and Schieltz does not establish a *prima facie* case of obviousness at least because all limitations are not taught and further because there is no motivation to combine the references. Mangold does not satisfy the deficiencies present in the combination of Maeshima and Schieltz. Claims 12 and 13 are patentable over the art of record at least for this reason, and further because the independent claim from which they depend (claim 7) is patentable.

IV. Conclusion

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. In the event that additional fees related to this Amendment, or other transactions in this case, are required (including fees for net addition of claims), the Examiner is authorized to charge Texas Instruments Inc.'s Deposit Account No. 20-0668 for such fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nick P. Patel", is written over a horizontal line.

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